

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION

UNITED STATES OF AMERICA )

v. )

QUINLAN DRAKE SCISM )  
\_\_\_\_\_ )

DOCKET NO. 1:20CR **91**

**FACTUAL BASIS**

NOW COMES the United States of America, by and through R. Andrew Murray, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of a plea in this matter.

This Factual Basis is filed pursuant to Local Criminal Rule 11.2 and does not attempt to set forth all of the facts known to the United States at this time. By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea that the defendant will tender, and that the facts set forth in this Factual Basis are sufficient to establish all of the elements of the crime. The parties agree not to object to or otherwise contradict the facts set forth in this Factual Basis.

Upon acceptance of the plea, the United States will submit to the Probation Office a "Statement of Relevant Conduct" pursuant to Local Criminal Rule 32.4. The defendant may submit (but is not required to submit) a response to the Government's "Statement of Relevant Conduct" within seven days of its submission. The parties understand and agree that this Factual Basis does not necessarily represent all conduct relevant to sentencing. The parties agree that they have the right to object to facts set forth in the presentence report that are not contained in this Factual Basis. Either party may present to the Court additional relevant facts that do not contradict facts set forth in this Factual Basis.

1. QUINLAN SCISM ("SCISM") was a Cleveland County, North Carolina resident at all times described below and he resided intermittently at 107 Brantley Drive, Kings Mountain, North Carolina.

2. On September 8, 2019, SCISM was utilizing the wifi Internet connection available at the 107 Brantley Drive residence and he was operating a BitTorrent file sharing program on his Apple iPhone 8 Plus cellular phone. At this time, SCISM made at least twenty-two child pornography videos available for download from his iPhone via internet protocol (IP) address 75.190.183.246.

3. At this same time and date, a Federal Bureau of Investigation (FBI) Online Covert Employee (OCE) in Charlotte, North Carolina, made a direction connection to SCISM's iPhone at IP address 75.190.183.246. Service for the internet connection was provided by Charter Communications. The FBI OCE's computer downloaded 22 total videos of child pornography from SCISM.

4. One video downloaded is described as follows:

A video titled, "2006 Nia fucked 4 yo.avi" that is approximately 01:08 in length, shows a minor female, who appears to be under the age of 4, standing clothed in front of an adult male who is naked and sitting down. The adult male is then observed holding the minor female, who is naked with her genitals fully displayed, on his lap and proceeds to have sexual intercourse with her.

5. After reviewing the downloaded child pornography files, the FBI sent an administrative subpoena to Charter Communications requesting customer information for the suspect IP address at the time of the downloads. Charter Communications provided responsive data indicating that the relevant IP address provided service to the residence at 107 Brantley Drive, Kings Mountain, North Carolina.

6. On September 19, 2019, FBI Special Agent (SA) Michael Gregory obtained a federal search warrant for the residence at 107 Brantley Drive, Kings Mountain, North Carolina. On September 23, 2019, SA Gregory led a search warrant team to execute the warrant at the residence. Agents recovered a Sony 4 GB thumb drive and a Hewlett Packard computer containing a Seagate hard drive.

7. On September 24, 2019, SCISM came to the Cleveland County Sheriff's Office and agreed to be interviewed. SCISM acknowledged searching for and viewing child pornography. SCISM said that he masturbates while viewing child pornography. SCISM said that when he heard that the FBI was investigating, he conducted a factory reset on his Apple iPhone 8 Plus. SCISM gave consent for his iPhone to be searched and it was seized by law enforcement.

8. The FBI conducted forensic analysis of SCISM's electronic devices.

a. iPhone 8 Plus – This device contained 46 total videos of child pornography and one image of child pornography. 27 of these videos depicted sadistic and masochistic acts against prepubescent children. 18 of the videos and one image depicted other child pornography of children under the age of 12 or prepubescent. An example video is as follows:

i. File Name: CachedMedia-OWd079

ii. Description: Approximately 1 minute, 6 seconds long. The video depicts a girl approximately five years old performing oral sex on an adult male. The adult male pulls back the girl's head by her hair and ejaculates in her mouth and on her face.

b. Sony 4 GB Thumb Drive – This device contained 767 images of child pornography. 204 of the images depicted sadistic and masochistic conduct

(97% of the sadistic and masochistic images were of prepubescent children). 553 of the images depicted other child pornography of children under the age of 12 or prepubescent. An example image is as follows:

- i. File Name: 0000367\_Carved.jpeg
  - ii. Description: an image of a girl who appears to be under the age of seven, laying naked on a bed with her legs spread exposing her vagina. Her mouth has duct tape over it and her legs and arms appear to be duct taped to another minor's legs who is out of view of the image.
- c. Seagate hard drive from Hewlett Packard Computer – this computer contained two videos of child pornography and 191 images of child pornography. One of the videos and 53 of the images depicted sadistic and masochistic acts against prepubescent children. 125 of the images depicted other child pornography of prepubescent children or children under the age of 12. One video is described as follows:
- i. File name: 0356650\_Carved.avi
  - ii. Description: the approximately 7 minute and 35 second video depicts a girl under the age of 10 who strips off her clothing. In the video the child exposes her vagina and inserts a pencil in her anus. Later in the video she rubs the same pencil across the face of a doll.

9. All the electronic devices were manufactured outside of North Carolina.

10. The distributions of child pornography were transmitted via the Internet.

11. The Internet is a facility of interstate commerce.

R. ANDREW MURRAY  
UNITED STATES ATTORNEY



David A. Thorneloe  
ASSISTANT UNITED STATES ATTORNEY

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis and the Bill of Indictment in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis and the Bill of Indictment. I hereby certify that the defendant does not dispute this Factual Basis.

*C. Melissa Owen*

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C. Melissa Owen, Attorney for Defendant

DATED: 9/2/20